

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 27552

PERMIT 19120

LICENSE \_\_\_\_\_

ORDER TO APPROVE  
A NEW DEVELOPMENT SCHEDULE,  
AND AMEND THE PERMIT

**WHEREAS:**

1. Permit 19120 was issued to Ballater Investments, Inc. on February 16, 1984 pursuant to Application 27552.
2. Permit 19120 was subsequently assigned to John and Judy Ahmann.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board (Board).
4. The permittee has proceeded with diligence and good cause has been shown for the extension of time.
5. Permit Condition 12 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 31, 1993

(0000008)

2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1995

(0000009)

3. Condition 12 of the permit be amended to read:

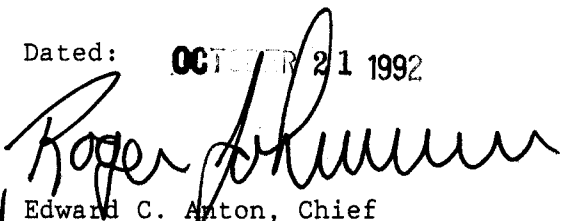
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: OCTOBER 21 1992

for   
Edward C. Anton, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
~~THE RESOURCES AGENCY~~  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

19120

PERMIT \_\_\_\_\_

Application 27552 of Ballater Investments, Incorporated *Asap over*  
c/o Richard Lemon, 809 Coombs Street, Napa, California 94558

filed on October 15, 1982, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(1) Anderson Canyon

Lake Berryessa

(2) Unnamed Stream

Anderson Canyon thence

Lake Berryessa

(3) Unnamed Stream

Lake Berryessa

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
Direct Diversion and Diversion to Offstream Storage					
(1) South 2,620 feet and East 800 feet from NW corner of Projected Section 6	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	6	9N	3W	MD
Storage and Rediversion					
(2) South 2,600 feet and East 150 feet from NW corner of Projected Section 6	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	6	9N	3W	MD
Storage and Rediversion					
(3) North 700 feet and East 250 feet from SW corner of Projected Section 6	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	6	9N	3W	MD

County of Napa

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Stockwatering	Barn Lake in SW $\frac{1}{4}$ of NW $\frac{1}{4}$	6	9N	3W	MD	
	Lisa Lake in SW $\frac{1}{4}$ of SW $\frac{1}{4}$	6	9N	3W	MD	
Irrigation	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	1	9N	4W	MD	15
	S $\frac{1}{2}$ of NE $\frac{1}{4}$	1	9N	4W	MD	40
	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	1	9N	4W	MD	5
	E $\frac{1}{2}$ of SE $\frac{1}{4}$	1	9N	4W	MD	50
	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	6	9N	3W	MD	20
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	6	9N	3W	MD	10
					Total	140

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.6 cubic foot per second by direct diversion to be diverted from February 1 to May 1 of each year and a total of 45 acre-feet per annum by storage to be collected from November 1 of each year to May 15 of the succeeding year as follows: (1) 15 acre-feet per annum in Barn Lake, (2) 30 acre-feet per annum in Lake Lisa. The total amount of water to be taken from the source shall not exceed 150 acre-feet per water year of October 1 to September 30.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

The maximum rate of diversion to offstream storage shall not exceed 3 cubic feet per second. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 1, 1987. (0000008)

9. Complete application of the water to the authorized use shall be made by December 1, 1988. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1)

adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. The equivalent of the continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there be no interference with other vested rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed. (0000021)

15. Permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation under this permit may be released. Before construction permittee shall submit plans and specifications of the outlet pipe or other alternative to the Chief of the Division of Water Rights for approval. Before storing water in the reservoir permittee shall furnish evidence which substantiates that an outlet has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050043)

16. Permittee is hereby put on notice that there may be years when storage and direct diversion of water under this permit will not be within the reservation of water established for the watershed upstream from Lake Berryessa in Decision 869. During such years, unless replacement water is provided on an exchange basis, permittee

- (1) shall release water collected to storage under this permit during the preceding collection season at the maximum practical rate to flow into Lake Berryessa and
- (2) shall not make any direct diversion during the portion of such years that, in the absence of the diversion, hydraulic continuity would exist between the diversion point and Lake Berryessa, and at such times shall allow all streamflow at the diversion works to pass undiminished to the downstream channel.

Nothing in this condition, however, shall preclude permittee from diverting water under any prior right. (0220086)

17. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, Central Valley Region, or by the State Water Resources Control Board. (0000100)

Failure of permittee to comply with this term will subject the permit to revocation, after opportunity for hearing. →

18. The archeological site identified as Ballater-1 shall not be impacted by any of the developments proposed under Division of Water Rights Applications 27551 and 27552. No surface or subsurface disturbance shall be allowed during construction, maintenance, and use of the proposed reservoirs and pipelines, or during installation and maintenance of the proposed vineyard. (0380500)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: FEBRUARY 16 1984

STATE WATER RESOURCES CONTROL BOARD

*Raymond Walsh*

Chief, Division of Water Rights

P 19120

3/31/88 Asap to John Ahmann.  
1-10-91 Barred Berg to Judy Ahmann